

***United States Medical Licensing Examination (USMLE)  
Policies and Procedures Regarding Irregular Behavior***

Introduction

The following policies and procedures regarding irregular behavior are intended to protect the integrity of the USMLE examination program. If the irregular behavior creates a good faith basis for questioning the validity of an examinee's scores, the policies and procedures described in another document, entitled *USMLE Policies and Procedures Regarding the Validity of Passing Level Scores*, may also be applicable.

A. Policies

1. *Irregular behavior* includes all actions or attempted actions on the part of applicants, examinees, potential applicants, or others that could subvert the examination process. Examples of irregular behavior include, but are not limited to: failing to comply with any USMLE policy, procedure, and/or rule; seeking and/or obtaining unauthorized access to examination materials; providing false information; impersonating an examinee or having someone else test in one's place; giving assistance to or receiving assistance from another individual in answering test items; possessing unauthorized items, equipment or materials during an examination; altering or misrepresenting examination scores; engaging in disruptive or unprofessional behavior at a test center; theft of examination materials; unauthorized reproduction by any means and/or dissemination of examination content or other copyrighted materials; posting or discussing examination content on any website, or asking others to do so; and taking any other action that could give an inappropriate advantage to individuals who might be taking the examination.
2. If the USMLE Committee for Individualized Review ("CIR") determines that irregular behavior has occurred, an annotation to that effect will be entered in the USMLE record of the examinee, and this annotation will appear on applicable score reports (if scores are reported) and on transcripts for that examinee. Information regarding the decision of the CIR and the basis for such decision may also be provided to legitimately interested entities, including the Federation of State Medical Boards' Physician Data Center.
3. If the CIR determines, in its discretion, that an individual engaged in irregular behavior that is sufficiently serious to warrant such action, the individual may be barred from future administrations of USMLE or subjected to special procedures for taking future USMLE examinations, in addition to being subject to the actions described in Paragraph A.2, above.

4. A CIR finding of irregular behavior may be appealed by the affected individual to the USMLE Composite Committee in accordance with Paragraph B.8, below. The pendency of an appeal, however, will not stay or delay implementation of the CIR's decision.

## B. Procedures

1. After acquiring information suggesting irregular behavior on the part of an individual from third-party reports, statistical analysis, fact investigation, or otherwise, staff will assess whether there is sufficient evidence to conclude that irregular behavior may have occurred. Staff will conduct a follow-up investigation to gather additional information when necessary.
2. If the staff analysis and/or follow-up investigation will not be concluded until after the typical period for the reporting of scores, the examinee and the entity to which scores would normally be reported will be notified that the reporting of the scores in question is being delayed pending further review.
3. If, at the conclusion of its investigation and analysis, staff finds that there is a reasonable basis to conclude that an individual has engaged in irregular behavior, the matter will be referred to the CIR. If the individual is an examinee, his/her scores will be withheld if not already released, and the individual might not be permitted to sit for subsequent examinations, nor will Step applications be processed, pending a decision by the CIR.
4. If a potential irregular behavior incident is referred to the CIR, the individual involved will be notified using the individual's last known email and postal address and provided with a copy of the applicable USMLE policies and procedures. The individual will be advised of the information which initiated the investigation and relevant findings of the investigation. The individual will be given an opportunity to provide an explanation for the facts described in the findings and to present other relevant information. The individual may request the opportunity to appear personally before the CIR. If the individual involved appears personally before the CIR, the oral presentation will be made under oath and a stenographic or audio recording may be made at the election of the CIR.
5. The CIR will consider all available pertinent information in deciding whether an individual engaged in irregular behavior, including the record assembled by staff, statistical analyses employed by staff (if any), and any explanation or other information that the individual may provide. If the CIR determines that there is a good faith basis for concluding that irregular behavior has occurred, the affected individual will be notified and informed of the right to appeal the CIR decision in accordance with Paragraph B.8, below. Regardless of whether an appeal is taken, an annotation indicating the nature of the irregular behavior will be entered immediately in the individual's USMLE record. This annotation will appear on the applicable score report (if scores are released) and on transcripts for the

individual. At the discretion of the CIR, information regarding a CIR finding of irregular behavior may also be provided to legitimately interested entities, including but not limited to the entity that certified the individual's eligibility for the examination in question, a medical education or training program in which the individual has participated or is participating at the time of the CIR's decision, and/or the FSMB's Physician Data Center. All medical licensing authorities that have received a score report or transcript for this individual in the past will receive an updated transcript and/or score report which reflects the CIR's decision.

6. If suspected irregular behavior raises concerns about the validity of a USMLE score, staff and/or the CIR may elect to review the matter and to proceed under these policies and procedures and/or under the *USMLE Policies and Procedures Regarding the Validity of Passing Level Scores*, as staff and/or the CIR deem appropriate and without requiring staff and/or the CIR to conduct separate proceedings.
7. In the event of irregular behavior that the CIR deems, in its discretion, to be sufficiently serious to warrant such action, the CIR may bar the individual from future examinations and/or implement special procedures for administering future examinations to the affected individual. If an individual is barred from future examinations, the CIR may allow for testing after a specified minimum time, upon petition of a medical licensing authority.
8. A decision of the CIR may be appealed to the USMLE Composite Committee if the individual involved has a reasonable basis to believe the CIR did not act in compliance with applicable USMLE policies and/or procedures or that the CIR's decision was clearly contrary to the weight of the evidence before it. The appeal must be received within 30 days of the date on which the notice of the CIR's decision was mailed to the individual. If the score for the examinee and CIR findings are reported during the pendency of the appeal, the recipient of the report will be informed that the individual is appealing the decision. The Composite Committee will decide appeals based upon a written record, including all information available to the CIR, a transcript of the recording made during the individual's appearance before the CIR (if there was such an appearance and it was transcribed), and the basis for appeal set forth by the individual. Neither the individual who is the subject of a CIR decision nor anyone representing that individual shall be entitled to appear in person before the Composite Committee. If the Composite Committee determines that the CIR did not act in compliance with applicable USMLE policies and procedures and/or that the decision of the CIR was clearly contrary to the weight of the evidence, the Composite Committee may reverse the decision of the CIR or remand the matter to the CIR or staff for further consideration. If the Composite Committee reverses the decision of the CIR to annotate the individual's USMLE record, all entities that received USMLE transcripts or score reports showing irregular behavior will be notified of the decision of the Composite Committee and provided with an updated transcript and/or score report. Otherwise, the determination of the CIR will stand.